



Sen. Heather A. Steans

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LRB099 07770 RLC 35960 a

1 AMENDMENT TO HOUSE BILL 4096

2 AMENDMENT NO. _____. Amend House Bill 4096 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing Section
6 7.1 as follows:

7 (20 ILCS 1705/7.1) (from Ch. 91 1/2, par. 100-7.1)

8 Sec. 7.1. For the purposes of this Section 7.1,
9 "Department" means the Department of Healthcare and Family
10 Services. To assist families in seeking intensive
11 community-based services or residential placement for to place
12 children with mental illness, for whom no appropriate care is
13 available in State-operated ~~Department~~ facilities, ~~in licensed~~
14 ~~private facilities,~~ the Department shall supplement the amount
15 a family is able to pay, as determined by the Department and
16 the amount available from other sources, provided the

1 Department's share shall not exceed a uniform maximum rate to
2 be determined from time to time by the Department. The
3 Department may exercise the authority under this Section as is
4 necessary to implement the provisions of Section 5-5.23 of the
5 Illinois Public Aid Code and to administer Individual Care
6 Grants. The Department shall work collaboratively with
7 stakeholders and family representatives in the implementation
8 of this Section.

9 (Source: P.A. 88-380.)

10 Section 10. The Illinois Public Aid Code is amended by
11 changing Section 5-5.23 as follows:

12 (305 ILCS 5/5-5.23)

13 Sec. 5-5.23. Children's mental health services.

14 (a) The Department of Healthcare and Family Services, by
15 rule, shall require the screening and assessment of a child
16 prior to any Medicaid-funded admission to an inpatient hospital
17 for psychiatric services to be funded by Medicaid. The
18 screening and assessment shall include a determination of the
19 appropriateness and availability of out-patient support
20 services for necessary treatment. The Department, by rule,
21 shall establish methods and standards of payment for the
22 screening, assessment, and necessary alternative support
23 services.

24 (b) The Department of Healthcare and Family Services, to

1 the extent allowable under federal law, shall secure federal
2 financial participation for Individual Care Grant expenditures
3 made by the Department of Healthcare and Family ~~Human~~ Services
4 for the Medicaid optional service authorized under Section
5 1905(h) of the federal Social Security Act, pursuant to the
6 provisions of Section 7.1 of the Mental Health and
7 Developmental Disabilities Administrative Act. The Department
8 of Healthcare and Family Services may exercise the authority
9 under this Section as is necessary to administer Individual
10 Care Grants as authorized under Section 7.1 of the Mental
11 Health and Developmental Disabilities Administrative Act.

12 (c) The Department of Healthcare and Family Services shall
13 work collaboratively with the Department of Children and Family
14 Services and the Division of Mental Health of ~~jointly with the~~
15 Department of Human Services to implement subsections (a) and
16 (b).

17 (d) On and after July 1, 2012, the Department shall reduce
18 any rate of reimbursement for services or other payments or
19 alter any methodologies authorized by this Code to reduce any
20 rate of reimbursement for services or other payments in
21 accordance with Section 5-5e.

22 (e) All rights, powers, duties, and responsibilities
23 currently exercised by the Department of Human Services related
24 to the Individual Care Grant program are transferred to the
25 Department of Healthcare and Family Services with the transfer
26 and transition of the Individual Care Grant program to the

1 Department of Healthcare and Family Services to be completed
2 and implemented within 6 months after the effective date of
3 this amendatory Act of the 99th General Assembly. For the
4 purposes of the Successor Agency Act, the Department of
5 Healthcare and Family Services is declared to be the successor
6 agency of the Department of Human Services, but only with
7 respect to the functions of the Department of Human Services
8 that are transferred to the Department of Healthcare and Family
9 Services under this amendatory Act of the 99th General
10 Assembly.

11 (1) Each act done by the Department of Healthcare and
12 Family Services in exercise of the transferred powers,
13 duties, rights, and responsibilities shall have the same
14 legal effect as if done by the Department of Human Services
15 or its offices.

16 (2) Any rules of the Department of Human Services that
17 relate to the functions and programs transferred by this
18 amendatory Act of the 99th General Assembly that are in
19 full force on the effective date of this amendatory Act of
20 the 99th General Assembly shall become the rules of the
21 Department of Healthcare and Family Services. All rules
22 transferred under this amendatory Act of the 99th General
23 Assembly are hereby amended such that the term "Department"
24 shall be defined as the Department of Healthcare and Family
25 Services and all references to the "Secretary" shall be
26 changed to the "Director of Healthcare and Family Services

1 or his or her designee". As soon as practicable hereafter,
2 the Department of Healthcare and Family Services shall
3 revise and clarify the rules to reflect the transfer of
4 rights, powers, duties, and responsibilities affected by
5 this amendatory Act of the 99th General Assembly, using the
6 procedures for recodification of rules available under the
7 Illinois Administrative Procedure Act, except that
8 existing title, part, and section numbering for the
9 affected rules may be retained. The Department of
10 Healthcare and Family Services, consistent with its
11 authority to do so as granted by this amendatory Act of the
12 99th General Assembly, shall propose and adopt any other
13 rules under the Illinois Administrative Procedure Act as
14 necessary to administer the Individual Care Grant program.
15 These rules may include, but are not limited to, the
16 application process and eligibility requirements for
17 recipients.

18 (3) All unexpended appropriations and balances and
19 other funds available for use in connection with any
20 functions of the Individual Care Grant program shall be
21 transferred for the use of the Department of Healthcare and
22 Family Services to operate the Individual Care Grant
23 program. Unexpended balances shall be expended only for the
24 purpose for which the appropriation was originally made.
25 The Department of Healthcare and Family Services shall
26 exercise all rights, powers, duties, and responsibilities

1 for operation of the Individual Care Grant program.

2 (4) Existing personnel and positions of the Department
3 of Human Services pertaining to the administration of the
4 Individual Care Grant program shall be transferred to the
5 Department of Healthcare and Family Services with the
6 transfer and transition of the Individual Care Grant
7 program to the Department of Healthcare and Family
8 Services. The status and rights of Department of Human
9 Services employees engaged in the performance of the
10 functions of the Individual Care Grant program shall not be
11 affected by this amendatory Act of the 99th General
12 Assembly. The rights of the employees, the State of
13 Illinois, and its agencies under the Personnel Code and
14 applicable collective bargaining agreements or under any
15 pension, retirement, or annuity plan shall not be affected
16 by this amendatory Act of the 99th General Assembly. All
17 transferred employees who are members of collective
18 bargaining units shall retain their seniority, continuous
19 service, salary, and accrued benefits.

20 (5) All books, records, papers, documents, property
21 (real and personal), contracts, and pending business
22 pertaining to the powers, duties, rights, and
23 responsibilities related to the functions of the
24 Individual Care Grant program, including, but not limited
25 to, material in electronic or magnetic format and necessary
26 computer hardware and software, shall be delivered to the

1 Department of Healthcare and Family Services; provided,
2 however, that the delivery of this information shall not
3 violate any applicable confidentiality constraints.

4 (6) Whenever reports or notices are now required to be
5 made or given or papers or documents furnished or served by
6 any person to or upon the Department of Human Services in
7 connection with any of the functions transferred by this
8 amendatory Act of the 99th General Assembly, the same shall
9 be made, given, furnished, or served in the same manner to
10 or upon the Department of Healthcare and Family Services.

11 (7) This amendatory Act of the 99th General Assembly
12 shall not affect any act done, ratified, or canceled or any
13 right occurring or established or any action or proceeding
14 had or commenced in an administrative, civil, or criminal
15 cause regarding the Department of Human Services before the
16 effective date of this amendatory Act of the 99th General
17 Assembly; and those actions or proceedings may be defended,
18 prosecuted, and continued by the Department of Human
19 Services.

20 (f) The Individual Care Grant program shall be inoperative
21 during the calendar year in which implementation begins of any
22 remedies in response to litigation against the Department of
23 Healthcare and Family Services related to children's
24 behavioral health and the general status of children's
25 behavioral health in this State.

26 (Source: P.A. 97-689, eff. 6-14-12.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".